

United States Department of Agriculture,

OFFICE OF THE SECRETARY,
BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 28-35, FOOD AND DRUGS ACT.

28. Adulteration and Misbranding of Pepper.
29. Misbranding of a Drug Product (Liquid Sulphur).
30. Misbranding of a Drug Product (Concentrated Oil of Pine Compound).
31. Adulteration and Misbranding of Buckwheat Flour.
32. Misbranding of a Drug Product (Blackburn's Cascara, Wild Lemon, Castor Oil Pills, Compound).
33. Misbranding of Maple Sirup.
34. Misbranding of Canned Peaches.
35. Misbranding of Canned Peaches.

(N. J. 28.)

ADULTERATION AND MISBRANDING OF PEPPER.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 8th day of July, 1908, in the district court of the United States for the district of Maryland, in a criminal prosecution by the United States against the Interstate Chemical Company, a corporation doing business at Baltimore, Md., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from the State of Maryland to the State of North Carolina an adulterated and misbranded food product, that is to say, a product labeled and branded "Kitchen Queen Black Pepper," the said Interstate Chemical Company entered a plea of guilty, whereupon the court imposed upon it a fine of \$25.

The facts in the case were as follows:

On November 15, 1907, an inspector of the Department of Agriculture purchased from Clyde Cahoon & Co., Plymouth, N. C., samples of a product labeled as follows: "Kitchen Queen Black Pepper, Guaranteed under the Pure Food and Drugs Act, June 30, 1906, by Interstate Chemical Co., Baltimore, Md. Serial No. 453." The samples were subjected to analysis in the Bureau of Chemistry and the following results obtained and stated:

Net weight (grams)-----	75
	<i>Per cent.</i>
Ash, total-----	6.37
Ash, insoluble in hydrochloric acid-----	1.38
Ether extract, fixed-----	6.61
Ether extract, volatile-----	.99
Crude fiber-----	14.22
Starch (by microscopic examination the pepper showed large quantities of leguminous starch), acid conversion gave-----	40.57

In "Standards of Purity for Food Products," established under authority of the act of March 3, 1903, and published as Circular 19, Office of the Secretary, U. S. Department of Agriculture, black pepper is defined as follows:

Black pepper is the dried immature berry of *Piper nigrum* L. and contains not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

It was evident that the product was both adulterated and misbranded, adulterated because it purported to be a black pepper, when, in fact, some other substance, a substance of a leguminous nature, had been mixed and packed with the product so as to reduce or lower or injuriously affect its quality or strength, and because a substance of leguminous nature had been substituted in part for the article. It was misbranded for the reason that it was labeled "Black Pepper," whereas it consisted of a mixture of black pepper with another substance.

The Secretary of Agriculture, on April 4, 1908, afforded the Interstate Chemical Company a hearing. At this hearing it failed to show any fault or error in the aforesaid analysis, but submitted evidence establishing that it purchased the pepper by the barrel from the manufacturers in New York City and claimed that in transferring the product from the original package in which it was received to another container the character and quality of the article were not in any way changed. The facts were, however, duly reported to the Attorney-General and the case referred to the United States attorney for the district of Maryland, who filed an information against the said company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1908.